

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

CURTIS LAVERN HOFFMAN,

Defendant and Appellant.

2d Crim. No. B222818
(Super. Ct. No. F412845)
(San Luis Obispo County)

Curtis Lavern Hoffman appeals the order revoking his probation and imposing a two-year state prison term as a result of his earlier guilty plea to making criminal threats (Pen. Code, § 422). Appellant was initially charged with making criminal threats and attempting to burn a structure (Pen. Code, § 455) after he attempted to burn down a neighbor's house that was under construction. His guilty plea was preceded by a six-month commitment to Atascadero State Hospital due to a finding of his incompetence to stand trial. The criminal proceedings resumed in February 2009 after appellant's competency was restored. The terms and conditions of his probation included the payment of restitution and fines and a prohibition against consuming alcohol.

Appellant was first charged with violating probation four months after his guilty plea for failing to pay required fines, using alcohol, and failing to cooperate with mental health services. After appellant admitted the violation, probation was reinstated with modified conditions.

Two months later, appellant was charged with another probation violation after his probation officer reported that he had made no payments toward restitution and fines and had refused to take his prescribed medication. Appellant's probation was revoked and reinstated with modified terms including that he serve 90 days in county jail. Yet another probation violation was charged after appellant used alcohol while taking his prescribed medication. Probation was again reinstated with terms including that appellant serve 120 days in county jail.

In November 2009, appellant was charged with yet another probation violation after he submitted a urine sample that tested positive for marijuana and exhibited erratic behavior. The court once again declared a doubt about appellant's competency. Criminal proceedings were suspended and appellant was evaluated by mental health personnel. After reviewing the reports and hearing argument on the matter, the court found appellant competent to proceed and held a probation violation hearing. At the conclusion of the hearing, appellant was found in violation of his probation for using marijuana. Probation was revoked and appellant was sentenced to serve two years in state prison with 625 days presentence custody credit. This appeal followed.

We appointed counsel to represent appellant on appeal. After examining the record, counsel filed an opening brief in which no issues were raised. On June 17, 2010, we advised appellant he had 30 days within which to personally submit any contentions or issues he wished us to consider. We received no response.

We have examined the entire record and are satisfied that appellant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment (order revoking probation) is affirmed.

NOT TO BE PUBLISHED.

PERREN, J.

We concur:

GILBERT, P.J.

COFFEE, J.

Michael L. Duffy, Judge
Superior Court County of San Luis Obispo

California Appellate Project, Jonathan B. Steiner, Executive Director,
Richard B. Lennon, Staff Attorney, under appointment by the Court of Appeal, for
Appellant.

No appearance for Respondent.